

USSN: 10/761,724

Group No. 2841

Examiner: Levi, Dameon E

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REMARKS**Amendments to the claims**

Claims 1-9 are pending in the present application. The Applicant has amended claims 1 and 8 to incorporate the language of claims 3 and 4, and cancelled claims 3 and 4. The Applicant has also amended the dependency of claims 5 and 6 in view of the cancellations of claims 3 and 4. No new matter has been added.

Claim rejections – 35 USC § 102

In the Action, the Examiner rejects claims 1-3, 8 and 9 as being anticipated by U.S. Pat. No. 5,355,016 to Swirbel. The Applicant respectfully disagrees.

The Applicant has amended independent claims 1 and 8 to incorporate the language of claims 3 and 4. The Applicant notes that the Examiner has also indicated that claim 4 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Although the Applicant has not amended claim 1 to also incorporate the language of claim 2, on which claim 4 indirectly depends, the Applicant submits that the features of claim 2 are optional and not necessary to the present invention as claimed.

Further, the Applicant notes that the Examiner has not shown to the Applicant where the features of claim 4 are disclosed in Swirbel. Therefore, the Applicant submits that claims 1 and 8 as amended are novel over Swirbel, together with claims 2, 5-7 and 9, by virtue of their dependence on claims 1 and 8.

Should the Examiner disagree with the Applicant, the Examiner is respectfully requested to show where, in Swirbel, the features of claim 4, now incorporated in claims 1 and 8, are shown.

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Allowable subject matter

The Applicant thanks the Examiner for the indication of allowability of claims 4-7. The independent claims of the present application have been amended taking this indication in consideration, as discussed in the above paragraph.

* * *

The Applicant submits that all claims of the application as amended herein are in condition for allowance. Prompt issuance of a Notice of Allowance is earnestly solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax no. (703)-872-9306 on

April 27, 2005

(Date of Deposit)

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